

**EXHIBIT L**  
**TO THE DECLARATION OF JOSEPH V. WILLEY**

**N.Y. DEP'T HEALTH, MEDICAID IN EDUCATION  
ALERT, ISSUE # 20-02 (April 2, 2020)**



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# Medicaid in Education Alert

New York State Department of Health (DOH), Office of Health Insurance Programs (OHIP)

New York State Education Department (NYSED)  
Preschool/School Supportive Health Services Program (SSHSP)  
Medicaid in Education

## Issue #20-02

**To:** All SSHSP Medicaid Providers

**From:** NYS DOH OHIP SSHSP & NYSED Medicaid in Education Unit

**Date:** April 2 , 2020

**Subject:** Telephonic Services for SSHSP Medicaid Providers During the COVID-19 State of Emergency

The purpose of this Alert is to inform SSHSP providers of guidance issued by the Department of Health that provides broad expansion for the ability of *all* Medicaid providers in *all* situations to use a wide variety of communication methods to deliver services remotely during the COVID-19 State of Emergency, to the extent it is appropriate for the care of the member.

This guidance is effective immediately and shall remain in effect for the remainder of the disaster emergency declared by Executive Order No. 202, or until the issuance of subsequent guidance by the NYSDOH prior to the expiration of such state disaster emergency declaration.

Consistent with the *Medicaid Update Special Edition: Comprehensive Telehealth Guidance* (published: 5/1/2020, revised: 5/29/20) not available, replaced by *June 2021 Special Edition - Telehealth* ([Web](#)) or ([PDF](#)), during the current State of Emergency only, New York State Medicaid will reimburse telephonic or telehealth SSHSP services provided to Medicaid eligible students with a current IEP in cases where face-to-face visits may not be recommended and it is medically appropriate for the student to receive SSHSP services by telephone or telehealth.

During the period of the emergency the existing approved set of Medicaid-reimbursable SSHSP services will be reimbursed under current rates when delivered through the following means:

- Two-way audio/video communication;
- Video, including technology commonly available on smart phones and other devices; and/or
- Telephonic communication (To the extent the service can reasonably be delivered over the phone).

The Medicaid Update Special Edition: Comprehensive Telehealth Guidance addresses some technological barriers to telehealth by allowing providers to bill for telephonic services if they cannot provide the audiovisual technology traditionally referred to as “telemedicine.”

Effective for dates of service on or after March 1, 2020, for the duration of the of the current State of Emergency only, New York State Medicaid will reimburse telephonic SSHSP services to Medicaid eligible students with a current IEP in cases where face-to-face visits may not be recommended and it is medically appropriate for the member to be evaluated and managed by telephone or telehealth. This guidance is to support the policy that patients should be treated through

telehealth provided by SSHSP Medicaid qualified practitioners acting within their scope of practice, including telephonically, wherever possible to avoid member congregation with potentially sick patients. Telephonic/telehealth communication will be covered when provided by a qualified SSHSP practitioner acting in accordance with scope of practice and policies and guidance issued by NYS Education Department Office of Special Education. All telephonic/telehealth encounters documented in accordance with existing SSHSP policy. Telephonic services rendered to Medicaid eligible students may be billed to Medicaid using existing SSHSP rate codes. Payment for services delivered via telephonically/telehealth during this emergency will be the same as if the services were delivered face-to-face.

**Please note that temporary changes to service delivery due to school closures do not require changes to the IEP or written orders/referrals for SSHSP Medicaid purposes. This does not preclude the need for the service itself to be in the IEP.** Please see guidance issued by the NYS Education Department Office of Special Education for additional information regarding the provision of services to students with disabilities, [\*Provision of Services to Students with Disabilities During Statewide School Closures Due to Novel Coronavirus \(COVID-19\) Outbreak in New York State\*](#).

Please also see Q/As 13, 15, 16, 17, 18, 19, 26, 27, and 29 in the [\*Frequently Asked Questions \(FAQs\) on Medicaid Telehealth Guidance during the Coronavirus Disease 2019 \(COVID-19\) State of Emergency\*](#), posted on the Department of Health's COVID-19 Telehealth webpage, that are relevant to SSHSP.

Updates are continually being provided and posted. Please check back frequently. We have included some additional links from NYSED and other vetted sources.

[NYS Education Department COVID-19](#)

[NYS Office of Professions COVID-19](#)

If you have any questions or comments regarding this Alert, please email the [NYS Department of Health](#), the [NYS Education Department Medicaid in Education Unit](#) or your local [regional technical support and assistance contact](#).

Last Updated: November 15, 2021

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